

May 8, 1953

Mr. H. Z. Bacon
RFD #1
Helper, Utah

Dear Mr. Bacon:

RE: PRICE RIVER DISTRIBUTION

In answer to your letter of May 6, 1953 in which you protest the conveying of water for a Mr. Sacco, whose water was transferred to him by Mr. Joe Kocherer, I can only cite the law 73-1-7, Utah Code Annotated, 1953, as follows:

"When any person desires to convey water for irrigation or any other beneficial purpose and there is a canal or ditch already constructed that can be used or enlarged to convey the required quantity of water, such person shall have the right to use or enlarge such canal or ditch already constructed, by compensating the owner of the canal or ditch to be used or enlarged for the damage caused by such use or enlargement, and by paying an equitable proportion of the maintenance of the canal or ditch jointly used or enlarged; provided, that such enlargement shall be made between the 1st day of October and the 1st day of March, or at any other time that may be agreed upon with the owner of such canal or ditch. The additional water turned in shall bear its proportion of loss by evaporation and seepage."

Mr. Kocherer has, in the past, conveyed his water through your ditch. It was the understanding of this office that this water was part of the Gay Ditch. He has been assessed on the amount of water he has used and had paid his assessment, except for the year 1953, which was paid by Mr. Sacco.

There is no record in this office of any water right other than this water which has been conveyed through the Gay Ditch, being in the name of either of the above named water users.

I am enclosing a copy of a letter written to Mr. Richard Sacco on April 28, 1953 in which Mr. Sacco was advised to obtain a transfer of Mr. Kocherer's shares of stock in the Gay Ditch and such transfer recorded on the Gay Ditch Company's books. If, as you state, Mr. Kocherer has no shares of stock, naturally he can not transfer stock to Mr. Sacco. However, he can transfer his water right, whatever it may be, to Mr. Sacco and, in accordance with the above quoted law, Mr. Sacco might continue to carry his water through